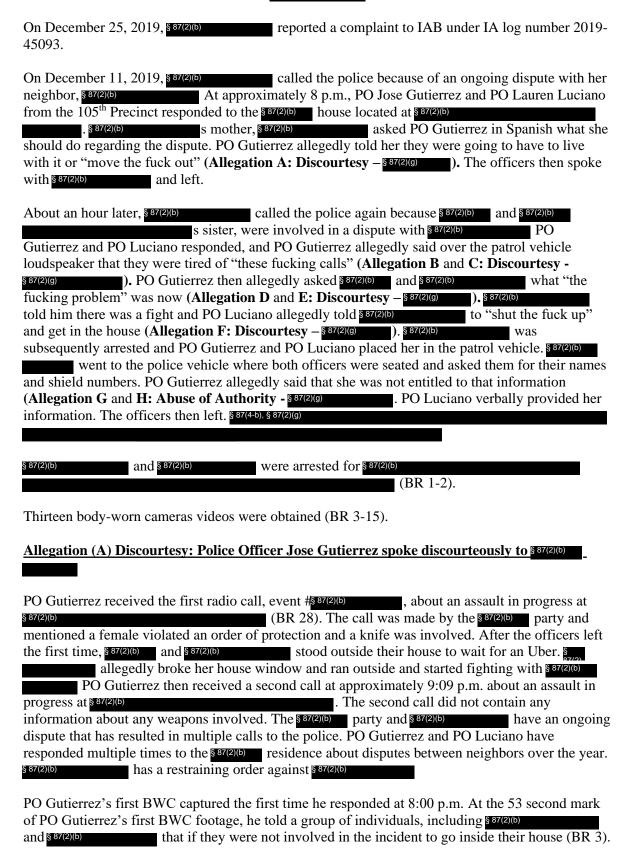
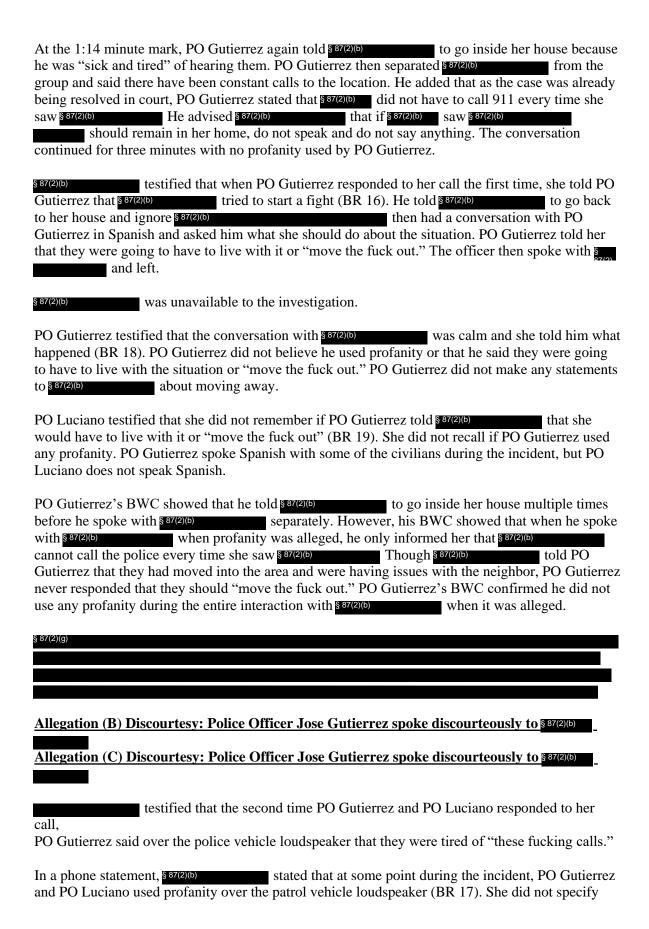
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	Discourt	. 🔲 U.S.
Julia Moran		Squad #6	201911019	☑ Abuse	O.L.	☐ Injury
Incident Date(s)		Location of Incident	:	Precinct	: 18 Mo. SOL	EO SOL
Wednesday, 12/11/2019 8:00 PM		§ 87(2)(b)		105	6/11/2021	1/26/2022
Date/Time CV Reported		CV Reported At:	How CV Reported	: Date/Ti	me Received at CC	RB
Mon, 12/16/2019 7:27 PM		IAB	Phone	Thu, 12	2/26/2019 4:13 PM	I
Complainant/Victim	Type	Home Add	lress			
Witness(es)		Home Add	lress			
Subject Officer(s)	Shield	TaxID	Command			
1. POM Jose Gutierrez	01547	959678	105 PCT			
2. POF Lauren Luciano	13945	963620	105 PCT			
Officer(s)	Allegation	on		Ir	nvestigator Reco	mmendation
Officer(s) A.POM Jose Gutierrez	Discourte	on esy: Police Officer Jo ously to ^{§ 87(2)(b)}	se Gutierrez spoke	Ir	nvestigator Reco	mmendation
	Discourte discourte Discourte	esy: Police Officer Jo		Ir	nvestigator Reco	mmendation
A.POM Jose Gutierrez	Discourte discourte discourte discourte	esy: Police Officer Jo ously to § 87(2)(b) esy: Police Officer Jo	se Gutierrez spoke	Ir	nvestigator Reco	mmendation
A.POM Jose Gutierrez B.POM Jose Gutierrez	Discourte Discou	esy: Police Officer Jo ously to \$87(2)(b) esy: Police Officer Jo ously to \$87(2)(b) esy: Police Officer Jo ously to \$87(2)(b)	se Gutierrez spoke se Gutierrez spoke	Ir	nvestigator Reco	mmendation
A.POM Jose Gutierrez B.POM Jose Gutierrez C.POM Jose Gutierrez	Discourte Discou	esy: Police Officer Jo ously to \$87(2)(b) esy: Police Officer Jo ously to \$87(2)(b) esy: Police Officer Jo ously to \$87(2)(b)	se Gutierrez spoke se Gutierrez spoke se Gutierrez spoke	Ir	nvestigator Reco	mmendation
A.POM Jose Gutierrez B.POM Jose Gutierrez C.POM Jose Gutierrez D.POM Jose Gutierrez	Discourte Discou	esy: Police Officer Jo ously to \$87(2)(b) esy: Police Officer La	se Gutierrez spoke se Gutierrez spoke se Gutierrez spoke se Gutierrez spoke	Ir	nvestigator Reco	mmendation
A.POM Jose Gutierrez B.POM Jose Gutierrez C.POM Jose Gutierrez D.POM Jose Gutierrez E.POM Jose Gutierrez	Discourte Abuse: P	esy: Police Officer Jo ously to \$87(2)(b) esy: Police Officer La ously to \$87(2)(b) olice Officer Jose Gu	se Gutierrez spoke se Gutierrez spoke se Gutierrez spoke se Gutierrez spoke		nvestigator Reco	mmendation
A.POM Jose Gutierrez B.POM Jose Gutierrez C.POM Jose Gutierrez D.POM Jose Gutierrez E.POM Jose Gutierrez F.POF Lauren Luciano	Discourte Abuse: P name to Abuse: P	esy: Police Officer Jo ously to \$87(2)(b) esy: Police Officer La ously to \$87(2)(b) olice Officer Jose Gu 87(2)(b)	se Gutierrez spoke	ide his	nvestigator Reco	mmendation
A.POM Jose Gutierrez B.POM Jose Gutierrez C.POM Jose Gutierrez D.POM Jose Gutierrez E.POM Jose Gutierrez F.POF Lauren Luciano G.POM Jose Gutierrez	Discourte Abuse: P name to Abuse: P	esy: Police Officer Jo ously to \$87(2)(b) olice Officer Jose Gu 87(2)(b) olice Officer Jose Gu	se Gutierrez spoke se Gutierrez spoke se Gutierrez spoke se Gutierrez spoke uren Luciano spoke tierrez refused to prov	ide his	nvestigator Reco	mmendation
A.POM Jose Gutierrez B.POM Jose Gutierrez C.POM Jose Gutierrez D.POM Jose Gutierrez E.POM Jose Gutierrez F.POF Lauren Luciano G.POM Jose Gutierrez H.POM Jose Gutierrez	Discourte Abuse: P name to Abuse: P	esy: Police Officer Jo ously to \$87(2)(b) olice Officer Jose Gu 87(2)(b) olice Officer Jose Gu	se Gutierrez spoke se Gutierrez spoke se Gutierrez spoke se Gutierrez spoke uren Luciano spoke tierrez refused to prov	ide his	nvestigator Reco	mmendation
A.POM Jose Gutierrez B.POM Jose Gutierrez C.POM Jose Gutierrez D.POM Jose Gutierrez E.POM Jose Gutierrez F.POF Lauren Luciano G.POM Jose Gutierrez H.POM Jose Gutierrez	Discourte Abuse: P name to Abuse: P	esy: Police Officer Jo ously to \$87(2)(b) olice Officer Jose Gu 87(2)(b) olice Officer Jose Gu	se Gutierrez spoke se Gutierrez spoke se Gutierrez spoke se Gutierrez spoke uren Luciano spoke tierrez refused to prov	ide his	nvestigator Reco	mmendation

Case Summary



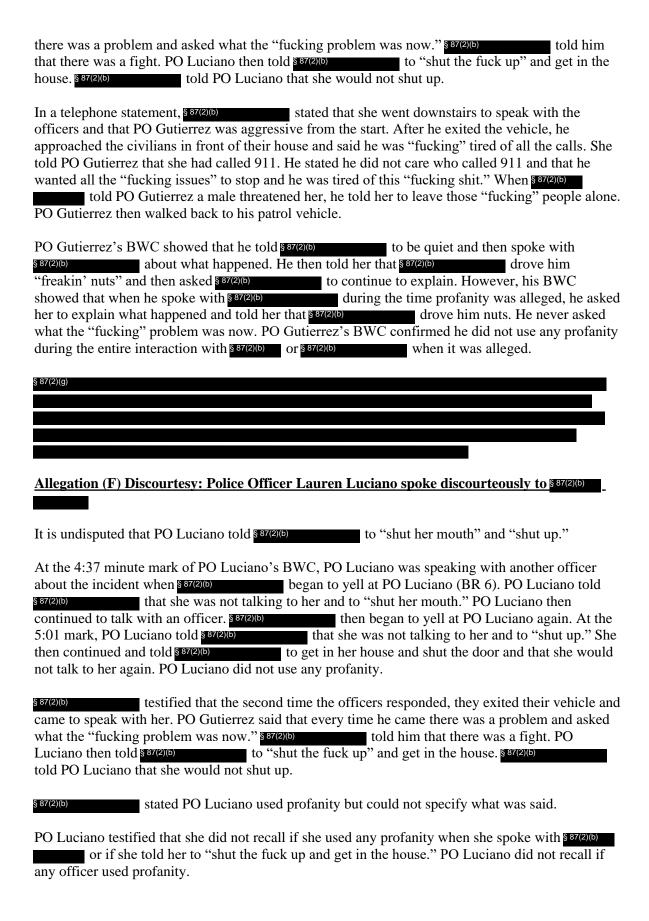
CCRB Case # 201911019

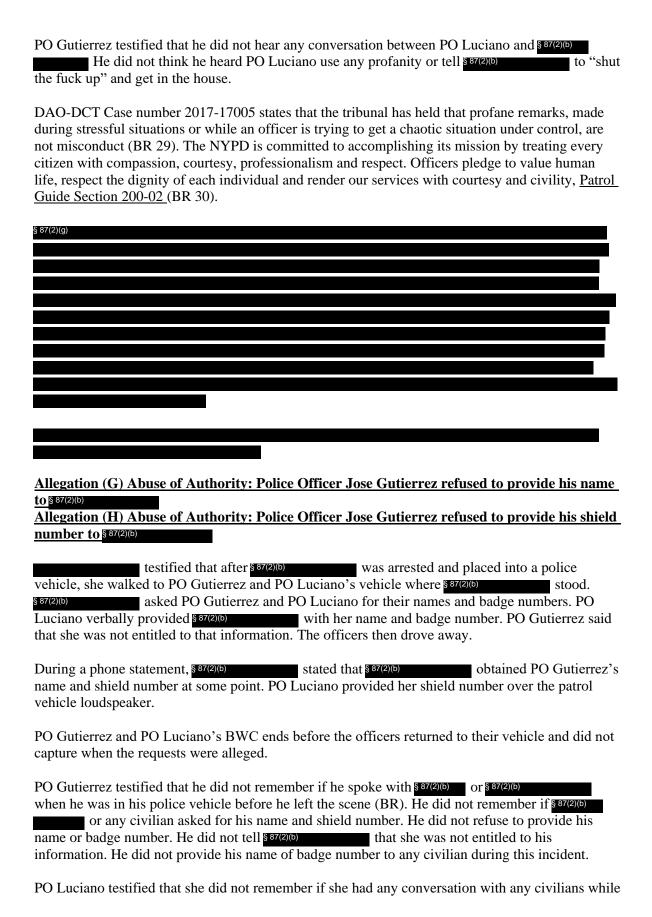


what the officers said. No allegation of profanity was plead against PO Luciano since [87(2)(b)] could not specify what she said over the loudspeaker. PO Gutierrez and PO Luciano's BWC footage opened with officers already on scene with civilians and did not capture when the officers arrived on scene or were in their patrol vehicle. PO Gutierrez testified that he did not use any profanity during the incident. He did not say over the police vehicle loudspeaker that they were tired of "these fucking calls." He did not remember saying anything over the vehicle loudspeaker. PO Luciano testified that she did not recall having any conversation over the patrol vehicle loudspeaker when she first arrived. She did not recall if PO Gutierrez used any profanity or state that he was, "tired of these fucking calls." Though § 87(2)(b) corroborated that PO Gutierrez used profanity when he spoke over the loudspeaker, she could not specify what was said and who said it. PO Gutierrez denied using profanity over the loudspeaker and PO Luciano testified she did not recall. As noted, BWC footage was not turned on until the officers exited their vehicle and approached the civilians. Allegation (D) Discourtesy: Police Officer Jose Gutierrez spoke discourteously to \$87(2)(5) Allegation (E) Discourtesy: Police Officer Jose Gutierrez spoke discourteously to \$87(2)(6) PO Gutierrez's second BWC started with him on scene in front of the steps of \$87(2)(b) home (BR 4), \$87(2)(b) and at least other two individuals were screaming. At 43 seconds, PO Gutierrez asked § 87(2)(b) to stop yelling. At 1:31 minutes, § 87(2)(b) the house and provided PO Gutierrez with an explanation of the incident. An officer off camera is heard continually asking everyone to be quiet. At the 1:55 mark, PO Gutierrez stated that "this girl" was "driving [him] nuts already," driving him "freakin' nuts." PO Gutierrez then asked 887(2)(b) to continue with her explanation. Following § 87(2)(b) s explanation, PO Gutierrez then walked over to \$87(2)(b) residence. PO Gutierrez's BWC does not capture any profanity. PO Gutierrez testified that when he responded the second time and got out of his vehicle, the individuals were actively engaging in a verbal confrontation. PO Gutierrez yelled to get control of the chaotic situation but did not use any profanity. PO Gutierrez spoke with § 87(2)(b) Spanish and she recounted what occurred. The conversation was calm. PO Gutierrez could not recall if he spoke to anyone else in the \$87(2)(6) party. PO Gutierrez did not think he asked \$87(2)(6) and § 87(2)(b) what "the fucking problem" was now. PO Luciano testified that PO Gutierrez spoke with one of the women from the \$37(2)(b) party while she spoke with \$37(2)(5) and the Uber driver (BR 19). PO Luciano did not recall if PO Gutierrez asked § 87(2)(b) and § 87(2)(b) "what the fucking problem was now." testified that when PO Gutierrez and PO Luciano responded the second time,

CCRB CTS – Confidential Page 3

they exited their vehicle and came to speak with them. PO Gutierrez said that every time he came





CCRB Case # 201911019

CCRB CTS – Confidential Page 5

she was in her patrol vehicle (BR). She did not remember if \$\(\frac{87(2)(0)}{2}\) and \$\(\frac{87(2)(0)}{2}\) were next to her patrol vehicle or if \$\(\frac{87(2)(0)}{2}\) asked for her and PO Gutierrez's names and shield numbers. PO Luciano stated that PO Gutierrez gave a business card to one of the female individuals on scene, but she did not know who or when. She could not provide a description of the individual, but it was one of the individuals who was a party to the conflict on \$\(\frac{87(2)(0)}{2}\) s side of the family. PO Luciano thought that the individual asked for the business card, but she did not recall. PO Luciano did not recall if PO Gutierrez told \$\(\frac{87(2)(0)}{2}\) that she was not entitled to his name and shield number. She did not recall if any officer refused to provide their name or shield number.
§ 87(2)(g)
§ 87(4-b), § 87(2)(g)
Civilian and Officer CCRB Histories
 This is the first CCRB complaint to which \$87(2)(b) has been a party (BR 21). This is the first CCRB complaint to which \$87(2)(b) has been a party (BR 22). PO Gutierrez has been a member of service for five years and this is the first CCRB complaint to which he has been a subject (BR 23).
• PO Luciano has been a member of service for three years and has been a subject in one CCRB complaint and one allegation, which was not substantiated. §87(2)(9)

Mediation, Civil and Criminal Histories

	arch 6, 2020, the Ne	to mediate this complaint. Ew York City Office of the Comp in regards to this complaint (BR)	
• § 87(2)(b), § 87	_		,
-			
Squad No.:	6		
			4 /4 2 /2 2 2 4
Investigator:	Julia Moran	Inv. Julia Moran	1/13/2021
	Signature	Print Title & Name	Date
Squad London	§ 87(2)(b) Peña	IM § 87(2)(b) Peña	1/13/2021
Squad Leader:	Signature	Print Title & Name	Date
	Signature	Finit Title & Name	Date
Reviewer:			
	Signature	Print Title & Name	Date